

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

JULIAN CHARTER SCHOOL.

OAH Case No. 2015060141

ORDER GRANTING REQUEST TO
CONTINUE PREHEARING
CONFERENCE DATE, AND DENYING
REQUEST AS TO HEARING DATES

On July 28, 2015, the parties filed a joint request with the Office of Administrative Hearings for a brief continuance in this matter as they have reached an agreement that they expect to reduce to writing and be signed by August 11, 2015. The prehearing conference in this matter is set for July 31, 2015, and the hearing for August 12 – 13, 2015. This is the parties' second continuance request.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted as to the prehearing conference and denied as to the hearing dates. While the parties established good cause to continue the prehearing conference to permit the parties to finalize a settlement agreement, they did not establish good cause to continue the

hearing. Therefore, the July 31, 2015 prehearing conference date is vacated, and set as follows:

Prehearing Conference: August 7, 2015, at 1:00 PM¹

IT IS SO ORDERED.

DATE: July 29, 2015

/s/

PETER PAUL CASTILLO

Presiding Administrative Law Judge
Office of Administrative Hearings

¹ The parties' PHC statements are due at noon on August 6, 2015.